

EMERGENCY ORDINANCE 2020-03

AN EMERGENCY ORDINANCE TO REQUIRE INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND LOCATIONS IN THE LIMITS OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, it is well recognized the SARS-CoV-2, the virus that causes the disease COVID-19, presents a public health concern that requires extraordinary protective measures and vigilance; and,

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina Henry McMaster declared a State of Emergency for the State of South Carolina as a result of the COVID-19 impacts; and,

WHEREAS, on March 16, 2020, Beaufort County Council (the “County”) adopted Emergency Ordinance 2020-01, declaring that a State of Emergency exists throughout the County as a result of impacts arising from the COVID-19 pandemic; and,

WHEREAS, reported COVID-19 daily cases are on the rise in both the County and the State of South Carolina; and

WHEREAS, as of today, the State of Emergency still exists in State of South Carolina and the County; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and South Carolina Department of Health and Environmental Control (“SCDHEC”) have advised the use of cloth or other types face coverings to slow the spread of COVID-19; and

WHEREAS, the CDC has determined that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with environments where the virus may be spread; and

WHEREAS, the South Carolina Department of Health and Environmental Control (“SCDHEC”) continues to urge all residents of the state to limit activities outside of the home and to practice social distancing at all times to limit the spread of this highly contagious and potentially deadly virus; and

WHEREAS, the Centers for Disease Control and Prevention has stated that COVID-19 symptoms may appear as many as fourteen (14) days after exposure and has confirmed that a significant number of people are asymptomatic and that avoiding exposure to these two groups is essential in the reduction of the spread of the virus; and

WHEREAS, notwithstanding the spread of COVID-19, several businesses remain open and some of their employees must physically be present at the work site, requiring further measures to keep such employees safe an

WHEREAS, there are currently large numbers of people who patronize grocery stores, pharmacies, restaurants, retail establishments and other businesses open to the public within the unincorporated limits of the County; and

WHEREAS, public reporting and other sources reveal that the advice from the Centers for Disease Control and SCDHEC encouraging the wearing of cloth or other types of face coverings is not being widely followed; and

WHEREAS, in order to protect, preserve, and promote the general health, safety, welfare, and the peace and order of the community, the County has, and will continue, to take steps to try and protect the

citizens, employers, and employees within the County from an increased risk of exposure to and transmission of COVID-19; and,

WHEREAS, the County has received a strong message from the medical community, that unless citizens curb the rising spread of COVID-19 through wearing facemasks and following social distancing protocol established by the CDC and included in the Executive Order of the Governor of South Carolina, community medical facilities could be faced with more patients than any one institution can accommodate, and,

WHEREAS, the County Council finds it is necessary and in the best interest of the County and its citizens that an Emergency Ordinance requiring the wearing of cloth or other types of face coverings in certain circumstances be adopted by the County Council, and that it be put into immediate effect; and

WHEREAS, County Council may, by majority vote of those members present, adopt emergency ordinances as authorized and limited by S. C. Code Ann. §5-7-250(d) (Supp. 2019), during this State of Emergency;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL FOR THE COUNTY OF BEAUFORT, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY OF THE SAME, AS FOLLOWS:

1. For the purpose of this Ordinance, a “Face Covering” is a cloth or other type of masking device that covers the wearer’s nose and mouth.
2. All persons entering any Commercial or Public building open in the County with the exceptions noted below in Section 9 must wear a face covering and maintain social distancing where possible while inside the building.
3. All restaurants, retail establishments of every description, salons, grocery stores, and pharmacies in the limits of the County shall require their employees to wear a Face Covering at all times when employees are within the social distance of the general public, or when the employees must be in close proximity to one another, except as noted in Section 9. This requirement also applies to all persons providing or utilizing public or commercial transportation, including tours; and all businesses or employees while interacting with people in outdoor spaces, including, but not limited to, curbside pickup, delivery, and service calls. All such businesses must provide face coverings or materials for the making of such face coverings for their employees. Such coverings or materials may be made available staff-wide or individually upon employee request so long as the result is the organization-wide use of face coverings. Nothing shall prevent an employee from fashioning his or her own cloth face mask. If a worker or customer refuses to wear a cloth face covering for other than medical reasons, a business may decline entry or service to that individual.
4. The following individuals are exempt from this Ordinance: any person under the age of two or at the discretion of the parent, custodian or guardian, or who is unable to safely wear a Face Covering due to age or an underlying health condition, or who is unable to remove the Face Covering without the assistance of others; and any person traveling in a personal vehicle, or when a person is alone or is in the presence of only household members in an enclosed space, and people who are actively drinking or eating. This Ordinance does not relieve business establishments and restaurants from other social distancing requirements impose by the Governor’s Executive Orders.
5. Education and voluntary compliance are the desired means of enforcement.

6. Repeated violations of this Ordinance at any business or establishment that is subject to this Ordinance are hereby declared a nuisance, and the County may seek a restraining order, preliminary injunction, permanent injunction or any other means authorized under the Laws of the State of South Carolina to abate the nuisance. The County may also seek suspension or revocation of the business license issued by the County to any business or establishment where repeated violations of the Ordinance occur, under the authority of Section 18-62 of the County Code of Ordinances. Each day of a continuing violation of this ordinance shall be considered a separate and distinct offense.
7. Business Owners and Operators shall have responsibility for informing patrons of the above requirements and shall post conspicuous signage at all entrances informing its patrons of the requirements of this Ordinance.
8. Should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.
9. Exceptions: Child care facilities; schools; and Churches or gymnasiums where social distancing policies are in place; patrons that are actively consuming food and beverages inside a restaurant and/or bar; persons receiving medical treatment; persons actively swimming in an indoor swimming pool.
10. This Ordinance becomes effective 11:59 PM July 3, 2020, following adoption by County Council, and will expire upon the sixty-first day following adoption or the end of the State of Emergency in the County of Beaufort, whichever occurs first.

MOVED, APPROVED, AND ADOPTED AS AN EMERGENCY ORDINANCE THIS 1st DAY OF JULY 2020.

Joseph Passiment, Council Chair

ATTEST:

By: _____
Sarah Brock, Clerk to Council